



## BARNES & THORNBURG LLP

600 One Summit Square  
Fort Wayne, Indiana 46802  
(260) 423-9440

### PATENT APPLICATION IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Customer No.: 23641

Application No.: 10/620,526

Confirmation  
No.: 8986

Filing Date: July 16, 2003

Group Art  
Unit: 3745

Examiner  
Name: Frank D. Lopez

Attorney  
Docket No.: 614359/82654

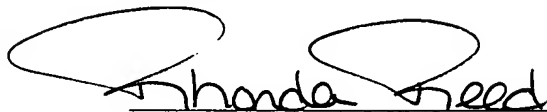
First Named  
Inventor: Morr, Glen A

Title: ROTARY ACTUATOR ASSEMBLY

#### Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

on November 1, 2005

  
Rhonda S. Bailey-Reed

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

### ENCLOSURES (check all that apply)


- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Information Disclosure Statement                    |
| <input checked="" type="checkbox"/> Fee Attached         | <input type="checkbox"/> Certified Copy of Priority Document(s)              |
| <input type="checkbox"/> Amendment/Response              | <input type="checkbox"/> Response to Missing Parts/Incomplete Application    |
| <input type="checkbox"/> After Final                     | <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 |
| <input type="checkbox"/> Affidavits/declaration(s)       |  |
| <input type="checkbox"/> Extension of Time Request       | <input type="checkbox"/> Drawing(s)  |
| <input type="checkbox"/> Express Abandonment Request     | <input type="checkbox"/> Licensing-related Papers                            |

- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) \_\_\_\_\_
- ☐ After Allowance Communication to Group

- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ **Other Enclosure(s)**  
(please identify below):

- (a) Part B-Fees Transmittal
- (b) Response to Examiner's Reasons for Allowance
- (c) Return Receipt Postcard
- (d) \_\_\_\_\_

Remarks:

  
\_\_\_\_\_  
Gregory S. Cooper  
Reg. No. 40,965  
(260) 423-9440

Date: November 1, 2005



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Fort Wayne, Indiana 46802  
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**PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Customer No.: 23641

Application No.: 10/620526

Confirmation

No.: 8986

Filing Date: July 16, 2003

Attorney

Docket No.: 614359/82654

First Named

Inventor: Glen A. Morr

Group Art

Unit: 3745

Examiner


Name: Frank D. Lopez

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**RESPONSE TO EXAMINER'S REASONS FOR ALLOWANCE**

Commissioner of Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In the Examiner's Notice of Allowance dated August 17, 2005, the Examiner indicates there is no motivation to combine any of the cited references to prevent backlash for a pinion rotating less than 360°. In the course of his reasoning, the Examiner provides a definition for "backlash" as "a quick sharp recoil . . . or any sudden or violent reaction." The Examiner cites Webster's New World Dictionary as authority for this definition. Applicants respectfully

assert that this definition is not wholly complete. Rather, Webster's New World Dictionary, Tenth Edition, includes two components as its first definition of "backlash":

- a: a sudden or violent backward movement or reaction;
- b: the play between adjacent movable parts (as in a series of gears).

(A copy of the relevant dictionary page is attached herewith.) The "backlash" prevented by the claimed invention is the phenomena described by either definition a or b, or both a and b.

It is respectfully asserted that the claims are better suited to be construed pursuant the above definition.

Respectfully submitted,



Gregory S. Cooper  
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Examiner Name: Frank D. Lopez  
Attorney Docket No.: 614359/82654  
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**FEE TRANSMITTAL FOR FY 2005**

**TOTAL AMOUNT OF PAYMENT: \$**

**METHOD OF PAYMENT**

1. ☒ The Commissioner is hereby authorized to charge any additional fee required under 37 CFR 1.16 and 1.17 and credit any overpayments to:

**Deposit Account Number: 02-1010 (614359/82654)**  
**Deposit Account Name: Barnes & Thornburg LLP**

- ☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Check    ☐ Credit Card    ☐ Money Order    ☐ Other ☐ None

## FEE CALCULATION

### 1. Basic Filing Fee:

Large Fee Code	Entity Fee	Small Fee Code	Entity Fee	Fee Description	Fee Paid
1011	\$300.00	2011	\$150.00	Utility Filing Fee	
1012	\$200.00	2012	\$100.00	Design Filing Fee	
1017	\$200.00	2017	\$100.00	Design Filing Fee (CPA)	
1013	\$200.00	2013	\$100.00	Plant Filing Fee	
1014	\$300.00	2014	\$150.00	Reissue Filing Fee	
1005	\$200.00	2005	\$100.00	Provisional Filing Fee	
				SUBTOTAL (1)	0.00

### 2. Patent Search Fees:

Large Fee Code	Entity Fee	Small Fee Code	Entity Fee	Fee Description	Fee Paid
1111	\$500.00	2111	\$250.00	Utility Fee	
1112	\$100.00	2112	\$50.00	Design Fee	
1113	\$300.00	2113	\$150.00	Plant Fee	
1114	\$500.00	2114	\$250.00	Reissue Fee	
				SUBTOTAL (2)	0.00

### 3. Patent Examination Fees:

Large Fee Code	Entity Fee	Small Fee Code	Entity Fee	Fee Description	Fee Paid
1311	\$200.00	2311	\$100.00	Utility Examination Fee	
1312	\$130.00	2312	\$65.00	Design Examination Fee	
1313	\$160.00	2313	\$80.00	Plant Examination Fee	
1314	\$600.00	2314	\$600.00	Reissue Examination Fee	
				SUBTOTAL (3)	0.00

### 4. Extra, Claim Fees:

			Extra Claims	Fee from Below	Fee Paid
Total Claims		-20**=		x	0.00
Independent Claims		- 3**=		x	0.00
Multiple Dependent Claim					0.00
				SUBTOTAL (4)	0.00

Large Fee Code	Entity Fee	Small Fee Code	Entity Fee	Fee Description
1202	\$50.00	2202	\$25.00	Claims in excess of 20
1201	\$200.00	2201	\$100.00	Independent claims in excess of 3
1203	\$360.00	2203	\$180.00	Multiple dependent claims, if not paid

1204	\$88.00	2204	\$44.00	** Reissue independent claims over original patent
1205	\$18.00	2205	\$9.00	** Reissue claims in excess of 20 and over original patent

\*\* or number previously paid, if greater; For Reissues, see above. For multiple dependent claims, pay fee only once no matter how many multiple dependent claims you have.

#### 5. Application Size Fee

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250.00 (\$125.00 for small entity) for each additional 50 sheets or fraction thereof.

	Extra Sheets	Number of each additional 50 (Round up to whole number)	Fee from Below	Fee Paid
Total Sheets	<u>          </u> -100 = <u>          </u> /50 = <u>          </u>			
			SUBTOTAL (5)	0.00

Large Fee Code	Entity Fee	Small Fee Code	Entity Fee	Fee Description
1081	\$250.00	2081	\$125.00	Sheets in excess of 100

#### 6. Additional Fees:

Large Fee Code	Entity Fee	Small Fee Code	Entity Fee	Fee Description	Fee Paid
1051	\$130.00	2051	\$65.00	Surcharge - late filing fee or oath	
1052	\$130.00	1052	\$130.00	Surcharge - late provisional filing fee or cover sheet	
1053	\$130.00	1053	\$130.00	Non-English specification	
1812	\$2,520.00	1812	\$2,520.00	For filing a request for ex parte reexamination	
1804	\$920.00*	1804	\$920.00*	Requesting publication of SIR prior to Examiner action	
1805	\$1,840.00*	1805	\$1,840.00*	Requesting publication of SIR after to Examiner action	
1251	\$120.00	2251	\$60.00	Extension for reply within first month	
1252	\$450.00	2252	\$225.00	Extension for reply within second month	
1253	\$1,020.00	2253	\$510.00	Extension for reply within third month	
1254	\$1,590.00	2254	\$795.00	Extension for reply within fourth month	
1255	\$2,160.00	2255	\$1,080.00	Extension for reply within fifth month	
1401	\$500.00	2401	\$250.00	Notice of Appeal	
1402	\$500.00	2402	\$250.00	Filing a brief in support of an appeal	
1403	\$1,000.00	2403	\$500.00	Request for oral hearing	
1451	\$1,510.00	1451	\$1,510.00	Petition to institute a public use proceeding	
1452	\$500.00	2452	\$250.00	Petition to revive - unavoidable	
1453	\$1,500.00	2453	\$750.00	Petition to revive - unintentional	
1501	\$1,400.00	2501	\$700.00	Utility issue fee	\$700.00
1502	\$800.00	2502	\$400.00	Design issue fee	
1503	\$1,100.00	2503	\$550.00	Plant issue fee	
1504	\$300.00	1504	\$300.00	Publication Fee for early, voluntary, or	\$300.00

